

1 **REMARKS**

2 The Applicants request reconsideration and allowance of claims 2, 3, 7-9, and 12-19 in
3 view of the above amendments and following arguments.
4

5 I. THE CLAIM AMENDMENTS

6 Each of the independent claims in the case, claims 16, 18, and 19 is amended above to
7 clarify the nature of the game play records. Specifically, each game play record corresponds to a
8 respective bingo card representation and includes a result indicator. This amendment is
9 supported in the original disclosure for the present application at page 15, line 20 to page 16, line
10 4, for example. It is noted that these amendments as to the nature of the game play records are
11 not made in view of the prior art, but are made to make clear that the game play record need not
12 “include” the respective bingo card representation.
13

14 II. THE OBJECTION TO THE DRAWINGS

15 The Office Action objected to the drawings for failing to show an automatic daubing
16 input separate from the game play request. The Applicants believe that the original Figure 9
17 clearly shows a “DAUB CARD” step separate from a game play request entry. The original
18 specification at page 24, line 20 to page 25, line 2 indicates that the “DAUB CARD” step may be
19 performed in response to an automatic daub input entered at the player station.

20 The enclosed proposed amendment to Figure 9 is submitted to make it even more clear
21 that the “DAUB CARD” step may include either manual daubing or daubing in response to an
22 automatic daub input at the player station. The more detailed label for the “DAUB CARD”

1 process block in Figure 9 is supported by the above-referenced portion of the specification at
2 pages 24 and 25.

3 The Applicants respectfully submit that the drawings are fully in compliance with 37
4 C.F.R. §1.83(a) and therefore request that the drawing objection be withdrawn.

5
6 III. THE CLAIMS DO NOT INCLUDE NEW MATTER

7 The Office Action rejected claims 2, 3, 7-9, and 12-19 under 35 U.S.C. §112, first
8 paragraph, as failing to comply with the written description requirement. Specifically, the Office
9 Action indicates that the limitation that the automatic daubing input is separate from the game
10 request input is not supported in the original disclosure. The Applicants respectfully traverse this
11 rejection.

12 The text of the original application from page 23, line 19 to page 24, line 10 clearly
13 discloses that the player enters a game play request at the player station and this results in a game
14 play request communication from the player station to the central computer servicing the player
15 station. Figure 9 shows that the game play request communication is sent to the central computer
16 at process block 94 after a positive result at decision block 90. Original Figure 9 also shows a
17 separate process block labeled "DAUB CARD" which is part of the overall process for receiving
18 and displaying results at the player station at process block 96. This "DAUB CARD" step is
19 clearly shown in Figure 9 as a separate step from the entry of a game play request detected earlier
20 in the process flow at decision block 90. The original disclosure from page 24, line 20 to page
21 25, line 2 discloses the two alternatives for daubing the bingo card via player inputs, either
22 manual daubing or automatic daubing in response to an automatic daub input. It is readily

1 apparent from the separation between the game play request detection at decision block 90 and
2 the card daubing at the “DAUB CARD” step and the discussion of player inputs from page 24,
3 line 20 to page 25, line 2 that these player inputs, both manual daubing inputs and the automatic
4 daubing input are separate from the game play request detected at decision block 90.
5 Furthermore, the alternative in which the game play request is taken as a request for automatic
6 daubing is specifically disclosed in the present application as a separate and distinct card daubing
7 alternative at page 25, lines 3-6. This disclosure at page 25, lines 3-6, further indicates that the
8 automatic daubing input referenced at lines 1 and 2 of page 25 is a separate input from the game
9 play request input. That is, the case where the game play request is taken as a request for
10 automatic daubing is described as an alternative to the daubing at the player station described in
11 the preceding paragraph of the specification.

12 For all of these reasons the Applicants respectfully submit that the limitation that the
13 automatic daub input is separate from the game play request input is clearly supported by the
14 original disclosure and does not represent new matter. The Applicants therefore request that the
15 rejection under 35 U.S.C. §112, ¶1 be withdrawn.

17 IV. THE CLAIMS ARE NOT ANTICIPATED BY THE CITED ART

18 The Office Action rejected claims 2, 3, 7-9 and 12-19 under 35 U.S.C. §102(b) as being
19 anticipated by U.S. Patent No. 4,856,787 to Itkis (the “Itkis 787 patent” or “Itkis 787”). The
20 Applicants traverse this rejection.

21 The apparatus set out in independent claim 16 includes at elements (c) and (d):

- 1 (c) a data storage device for storing a matched card set, the matched card set
2 including a number of game play records, each game play record corresponding to
3 a respective bingo card representation and including a result indicator indicating a
4 result of a match between the respective bingo card representation and a set of
5 game designations;
6 (d) a back office system connected for communication with the player station and also
7 connected for communication with the data storage device, **the back office**
8 **system for assigning a respective game play record from the matched card set**
9 **to the player station in response to receiving the game play request**
10 **communication....** (Emphasis Added)

11 In rejecting claim 16 in view of the Itkis 787 patent, the Office Action makes the
12 following observation regarding the system shown in the Itkis 787 patent:

13 *There is a data storage device (43) for storing a matched card set that includes a*
14 *number of game play records. Each game play record including a respective*
15 *bingo card representation and a result indicator indicating a result of a match*
16 *between the respective bingo card representation and a set of game designations.*
17 (Col. 5, 15-23) Itkis teaches a back office system (1) connected for
18 communication with the player station and also connected for communication
19 with the data storage device. (Fig. 1) **The back office system assigns a**
20 **respective game play record from the matched card set to the player station**
21 **in response to receiving the game play request communication.** (Abstract)
22 (Office Action at p. 4, lines 2-10, Emphasis Added).

23 First, the Applicants submit that the text at col. 5, lines 15-23 of the Itkis 787 patent does not
24 support the Office Action statement set out in italics in the above quote. The cited text at col. 5
25 of Itkis 787 simply indicates that the microprocessor 43 keeps track of all transactions made with
26 the help of the card 42 including bets and outcomes of games, and stores game specific
27 information such as bingo card contents or a card identification number. A stored record of game
28 outcomes and bingo card representations does not amount to a matched card set including a
29 number of game play records as defined in claim 16.

30 Even more importantly, there is absolutely nothing in the Itkis 787 patent, either in the
31 Abstract or anywhere else, that supports the statement set out in bold in the above quote from the

1 Office Action. Specifically, Itkis 787 does not disclose any component that assigns game play
2 records (including a result indicator) from a matched card set in response to receipt of a game
3 play request communication. It is apparent from the discussion in the Itkis 787 patent from col.
4 3, lines 51 to col. 4, line 7 that the master game device 1 transmits the bingo pattern for a game,
5 and the called numbers for the bingo game, but it is up to the slave terminal 7 to determine
6 whether the particular bingo card in play wins or loses.

7 Because the Itkis 787 patent does not disclose either of the elements required at (c) and
8 (d) of claim 16, the Applicants submit that claim 16 is not anticipated or rendered obvious by
9 Itkis 787. The Applicants therefore believe that claim 16 is entitled to allowance together with
10 its respective dependent claims, claims 2 and 3.

11 Each of the other independent claims, claims 18 and 19, include limitations similar to
12 those set out at (c) and (d) of claim 16 (in a method context in claim 19), and thus the arguments
13 set out above as to claim 16 apply with equal force to claims 18 and 19. The Applicants
14 therefore believe that claims 18 and 19 are also entitled to allowance together with their
15 respective dependent claims, claims 7-9 and 12-15.

16 17 V. THE CONCURRENTLY FILED INFORMATION DISCLOSURE STATEMENT

18 It is noted that the Itkis 787 patent also does not disclose a player station user interface
19 that enables the player to enter an automatic daub input for a play in the bingo-type game as a
20 separate input after entry of the game play request for that play as required at element (b) of
21 claim 16 for example. The Office Action relies on Itkis 787 at col. 4, lines 47-54 for the
22 disclosure of this feature. However, this portion of Itkis 787 simply indicates that in the

1 automatic mode of play, the player only enters (via the touch screen display 9) the bingo card
2 identification number, and the slave terminal automatically monitors the current status of the
3 game. There is no indication in Itkis 787, either at col. 4, lines 47-54 or elsewhere, that the step
4 of entering the bingo card identification number is separate from any game play request.

5 Although Itkis 787 does not teach or suggest the automatic daub input separate from a
6 game play request, the November 2, 1999, National Indian Gaming Commission reference (the
7 "NIGC reference") included in the Information Disclosure Statement ("IDS") filed herewith
8 indicates that an automatic daubing input separate from a game play request was known in the
9 prior art. The NIGC reference does not, however, disclose the matched card set and game play
10 record assignment steps or functions required in the present claims, and does not suggest
11 applying any automatic daubing in connection with assigned game play records as required in the
12 present claims. Thus, the present claims are not anticipated or rendered obvious in view of the
13 prior art of record in the case, including the references cited in the IDS filed herewith.

14 15 VI. ACKNOWLEDGMENT OF INFORMATION DISCLOSURE STATEMENTS

16 The Applicants note that the Examiner has not acknowledged the Information Disclosure
17 Statements ("IDSs") filed January 21, 2005 and August 3, 2005. The Applicants respectfully
18 request that the Examiner acknowledge consideration of the references cited in these IDSs.

1 VII. CONCLUSION

2 For all of these reasons, the Applicants request reconsideration and allowance of claims 2,
3 3, 7-9, and 12-19. If the Examiner should feel that any issue remains as to the allowability of
4 these claims, or that a conference might expedite allowance of the claims, he is asked to
5 telephone the Applicants' undersigned attorney at the number listed below prior to issuing a
6 further action.

7 Respectfully submitted,

8 The Culbertson Group, P.C.

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11 Date: 12 June 2007

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